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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/341,379 07/09/99 AISA

V MERL0060US

024235 IM52/0117  
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EXAMINER

BECKER, D

ART UNIT

PAPER NUMBER

1761

8

DATE MAILED:

01/17/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trad marks**

# Office Action Summary

Application No.

09/341,379

Applicant(s)

AISA, VALERIO

Examiner

Drew E Becker

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 17) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 recites "first information for controlling... first functions" and "second information for controlling... second functions". It is not clear what constitutes a first information and function as opposed to a second information and function.
4. Claim 1 recites a "selection means". It is not clear what component constitutes a "selection means".
5. Claim 17 recites "first functions and second functions". It is not clear what constitutes a "first function" as compared to a "second function".
6. Claim 2 recites the limitation "said first means" in line 2. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 2 recites the limitation "said means for storing said second set of information" in line 4. There is insufficient antecedent basis for this limitation in the claim.
8. Claims 3 and 13 recite the limitation "said interfacing means". There is insufficient antecedent basis for this limitation in the claim.

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9. Claims 3, 5, and 7 recite the limitation "said electronic unit". There is insufficient antecedent basis for this limitation in the claim.

10. Claims 5, 7, 8-9, 11, and 13 recite the limitation "said external device". There is insufficient antecedent basis for this limitation in the claim.

11. Claims 10, 12, and 18-19 recite the limitation "said household appliance". There is insufficient antecedent basis for this limitation in the claim. Further, it is not clear whether the "external device" of claim 10 is part of the "appliance" claimed in the preamble of claim 1, or separate from the "appliance" as recited in claim 10.

12. Claim 16 recites "utility functions". It is not clear what constitute "utility functions" or how these differ from the "first functions and second functions" of claim 1.

13. Claims 18-19 recite the limitation "said status information". There is insufficient antecedent basis for this limitation in the claim. Further, it is not clear what constitutes "status information" as compared to the "first information" and "second information" of claim 1.

14. Claims 27-31 recite the limitation "said external electronic device". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

15 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

¶ 16 Claims 1-9, 11, 13-20, 22-23, and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by May [Pat. No. 6,080,972].

May teaches a system and method controlling an appliance comprising a selection means (Figure 4, 240), means for storing first and second information (Figure 1, 180), connection means in the form of a modem (column 8, line 17), an external electronic device in the form of computer at a remote location (Figure 4, 200), an microcontroller interface unit (Figure 2), a display device (Figure 4, 220), means for storing management programs (column 8, line 16), a means to detect and display an error (column 6, line 47), programming a recipe, storing it in memory accessing the recipe, and controlling a cooking oven using the recipe (Figure 3), monitoring and modifying the cooking procedure (column 8, lines 22-30), a selection of recipes (column 6, lines 20-25), monitoring the food and oven temperature (column 6, lines 53-59), and controlling a set of heating elements (column 5, lines 46-58).

¶ 17 Claims 17 and 25 rejected under 35 U.S.C. 102(e) as being anticipated by Eisenbrandt et al [Pat. No. 5,818,428].

Eisenbrandt et al teach system and method of controlling an appliance comprising a selection means (Figure 6, 80), a means for storing first and second parameters (Figure 1, 26), connection means (Figure 1, 14), an external electronic (Figure 1, 20), controlling the performance of a wash cycle (column 5, line 44).

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***Claim Rejections - 35 USC § 103***

<sup>18</sup> The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

<sup>19</sup> Claims 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eisenbrandt et al.

Eisenbrandt et al teach the above mentioned concepts. It would have been obvious to one of ordinary skill in the art to utilize information regarding food stored in a refrigerator with the method of Eisenbrandt et al since a refrigerator is a type of household appliance and since Eisenbrandt et al teach controlling multiple appliance (column 3, line 16).

<sup>20</sup> Claim 10, 12, 26, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over May.

May teaches the above mentioned concepts as well as a clock on the control panel (Figure 2, 220). It would have been obvious to one of ordinary skill in the art to include a clock with the external device of May since May teaches use of a personal computer as the external device and personal computers commonly included clocks. It would have been obvious to one of ordinary skill in the art to include a data bus with the invention of May since these were commonly known and used in home appliances and since May

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requires a means to transmit information (column 8, line 18). It would have been obvious to one of ordinary skill in the art to include a function which chooses a recipe depending upon the available resources and needs with the invention of May since May is directed to controlling a cooking appliance and since May teaches the use of multiple modes and programs which can be selected, monitored, and modified by the user (column 4, lines 17-28).

*¶21* The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schwarzbacker et al [Pat. No. 5,710,409] and Edamula [Pat. No. 4,837,414] teach devices and methods of controlling appliances from remote locations.

### ***Response to Arguments***

*¶22* Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

*¶23* Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew E Becker whose telephone number is 703-305-0300. The examiner can normally be reached on Monday-Thursday 7am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gabrielle Brouillette can be reached on 703-308-0756. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3602 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1495.



KEITH HENDRICKS  
PRIMARY EXAMINER

Drew Becker  
January 10, 2001